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PTO/SB/26 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

Docket Number (Optional)

REJECTION OVER A PRIOR PATENT

OP/4-30341B

In re Application of: Kis et al.

Application No.: 10/016,361

Filed: December 10, 2001

For: Autoclavable Pharmaceutical Compositions Containing a Chelating Agent

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The owner*, Novartis AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,455,547. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Susan Hess

Signature

3/4/04

Date

Susan Hess

Typed or printed name

(862) 778-7859

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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03/24/2004 HDENDY 00000004 190134 10016361

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TERMINAL DISCLAIMER

Docket Number (Optional)
OP/4-30341B

In re Application of: **Kis et al.**

Application No.: **10/016,361**

Filed: **December 10, 2001**

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2. ☒ The undersigned is an attorney or agent of record.

Susan Hess 3/4/04
Signature Date

Susan Hess
Typed or printed name

(862) 778-7859
Telephone Number

03/24/2004 HDENDY 00000002 190134 10016361

01 FC:181A ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.
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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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